

## **CASELOAD OF THE U.S. SUPREME COURT**

On the first Monday in October of every year, the Supreme Court, the highest court in the land, begins its term. The Supreme Court is composed of nine judges, known as justices. One of the justices is designated as the Chief Justice, who serves as "first among equals" in the Court.

Cases come to the Supreme Court in one of two ways. The Supreme Court has what is called "original jurisdiction" in some cases, mostly involving lawsuits between states. (The most recent example of this was a lawsuit between New York and New Jersey over which state Ellis Island belongs to.) However, these cases are rare. Most cases come to the Supreme Court on appeal from lower federal courts or state supreme courts.

The Supreme Court does not hear every case that is brought before it. Before a case can come before the Supreme Court on appeal, the case must go through a process called "*certiorari*", usually shortened to "cert". If four Justices agree that the Court should hear a case, the Court will issue a legal document called a "writ of *certiorari*", which allows the case to continue. If the court "denies cert" on a case, the decision of the lower court stands. The Justices use the "certiorari" process to remove many cases from their docket, or list of cases.

When the Court decides to hear a case, it usually does so for one of two reasons. Many cases that reach the Court involve an important question of constitutional interpretation that the Court wants to decide. In other cases, the Court chooses to resolve a "split among the circuits". There are twelve different federal circuit courts of appeal, and sometimes these appeals courts will reach different decisions in different cases on an important legal issue. The Court will then decide to take one of the cases to resolve the issue.

If the Court decides to hear a case, it asks the parties involved to submit "briefs". These "briefs" actually run many pages, and are a written summary of one side's arguments. The Court may also receive "*amicus* briefs" from individuals or organizations not directly involved with the case. The word "*amicus*" is the Latin word for "friend", and these briefs are often called "friend-of-the-court briefs", because they represent "friendly" suggestions to the Justices on how the Court should rule. The Court employs several "clerks", young lawyers from the top law schools to review these briefs and make suggestions.

After the briefs are submitted, the Court schedules the case for oral argument. Each side is given half an hour to explain their argument. The Justices frequently ask questions of the lawyers during oral arguments.

After oral arguments, the Justices meet and vote on the case. A majority of the Justices must agree on a decision, and many cases are decided on a close 5-4 vote. The Justices assign one of their members to write the majority opinion in the case. Other Justices may choose to write "concurring opinions", which agree with the majority decision but express different reasoning, or "dissenting opinions", which disagree with the decision. Sometimes, a Justice will write an opinion that concurs with one part of the majority opinion but disagrees with another part. Sometimes, the Court will issue a decision "*per curiam*", which means that the majority opinion is issued by the Court as a whole, and not by one Justice.

# Pathways to the Supreme Court



*The Supreme Court of the United States of America*

About one-third of the Court's case load comes from **state court appeals**

About two-thirds of the Court's case load consists of **federal appeals**

Cases can be appealed if they raise constitutional questions

**50 State Supreme Courts**

State Appeals Court rulings can be appealed to State Supreme Courts

Appeals Court rulings can be appealed to the Supreme Court

**State Appeals Courts**

**Federal Appeals Courts**

Rulings in state trial court cases can be appealed

Appeals of District Court rulings and decisions of executive branch agencies & commissions

**State Trial Courts**

**94 Federal District Courts**

Cases involving state law are tried first in state trial courts

Cases involving federal law are tried first in federal district court

**The State Route**

**The Federal Route**